

Testimony of Sarah Woolf, Fresno County Farmer
Before the Committee on Energy and Natural Resources
United States Senate
Legislative Hearing on
Western and Alaska Water Legislation
October 8, 2015

Good morning, Chairwoman Murkowski, Ranking Member Cantwell, and members of the Committee. I was honored to be invited to testify before the Committee today, and I am hopeful that my remarks can facilitate progress on the critical legislation you have before you today because entire communities are depending upon you to find a resolution.

I am a second generation farmer. My two brothers and I grow tomatoes, garlic, and onions in Fresno County. My husband, who is here with me today, is also a second generation farmer. While our farms rely on some seasonal employees, many of our employees are long-term employees who have been with us for years. I am testifying today to share my personal perspective, although I am also an elected Member of the Board of Directors of Westlands Water District.

I know that in June, you received testimony from another California farmer, Cannon Michael, who explained the impacts of the water crisis facing California agriculture. At that time he discussed many of the key facts associated with the water challenges facing California farmers, and he explained that:

- 44% of California's 9.6 million acres of irrigated farmland are receiving zero surface water allocations from state, federal, and local irrigation projects, according to the California Farm Water Coalition Agricultural Water Supplies Survey;
- Almost 75% of the state's irrigated farm land, nearly seven million acres, will receive 20% or less of its normal surface water supply; and
- According to the California Department of Water Resources (DWR), 692,000 acres of farmland were fallowed in 2014 because of water shortages.

These are very significant facts for you to consider. However, I also want to bring to your attention the impacts felt by individuals who live and work in the cities and communities without water, people without jobs and business owners recognizing they potentially have no future. The fear and despair in people's eyes today is real, and it is heart wrenching. I know this because I spend a lot of time working in these communities.

These people are Californians, and they are working hard to produce the basic necessities for our country and our world, and of course, for themselves. They work the land while trying to

improve our schools and communities. Many of them have come to our country recently, and others from many generations before, but all with the hope of improving the lives of their families. They want the opportunities that all Americans want, an education and an opportunity for a better life.

If our elected representatives are responsible for anything, it should be to provide the most basic of needs: water, access to schools, and most importantly the ability to work. Without these basic needs, residents of our communities are forced to live in tents made of pallets behind mini marts and stand in food lines on a weekly basis to fulfill those basic needs. We cannot be the land of opportunity while communities lack water and residents are actually showering in church parking lots.

What makes our water situation so disturbing is that many of these negative effects have been imposed on our community, not by Mother Nature, but as the direct result of conscious policy decisions made by federal agency employees who believe they are following the will and direction of Congress. The people of the State of California, which includes my family, have very strong environmental values - and I deeply understand the importance of protecting the environment - but environmental concerns cannot be put above all else, without any regard to the negative impacts that are caused by the policy choices made.

When confronted about these consequences, the administrators of federal agencies claim they are merely exercising their discretion under the law in a way that causes these impacts. The Courts have agreed that they are free to cause these ill wills with your blessing. The Courts have explained:

We recognize the enormous practical implications of this decision. But the consequences were prescribed when Congress determined that “these species of fish, wildlife, and plants are of esthetic, ecological, educational, historical, recreational, and scientific value to the Nation and its people.” . . . Consequently, any other “[r]esolution of these fundamental policy questions” about the allocation of water resources in California “lies . . . with Congress . . .”

(San Luis & Delta-Mendota Water Auth. v. Jewell, 747 F.3d 581, 593 (9th Cir. 2014)).

Ultimately, that is why we need legislation. We need it because the Courts and the federal agencies place the consequences for these decisions at your feet and you actually have the power to address these ills. At the same time, I believe you can direct the agencies to minimize the negative impacts of the decisions on these communities, while still requiring that they be thoughtful about the impacts their actions have on wildlife and other environmental values.

It is important to note that it is unquestionable that California is in the midst of a drought. The hydrology and snowpack in the state is the only evidence you need to understand that. But the impacts of the crisis have been made worse by government decisions, interpretation of the law by fish agencies, and inaction by the Congress. It's undeniable. Lake Shasta has over one million acre-feet more of water stored today than it did during the worst drought in California history of 1977. Consider for a minute that as a result of the 2009 biological opinions that restrict water

pumping in the Delta, over 1.1 TRILLION gallons of water have been flushed to the ocean. And there have been countless other laws and government decisions on the management of California's water resources that have been just as frustrating. That is water that is lost forever, and the impact of that lost water is felt most by cities, communities, business, and farmers across the state. All while the people of the state are being forced to kill off their landscapes, capture shower water, not flush their toilets regularly, and watch their children play Saturday morning soccer on fields that resemble a sheet of sandpaper. In my opinion, the government can't have it both ways. The government cannot make decisions to flush that amount of water, while bemoaning the "drought". Not with a straight face, anyway. Simply put, the people of California are out of water because of decisions made by the people that represent them. And those decisions have resulted in devastating consequences.

From my perspective, both H.R. 2898, the Western Water and American Food Security Act of 2015, and S. 1894, the California Emergency Drought Relief Act of 2015, are efforts to address the problems we are seeing in our communities but they take very different approaches to address the issues we face. Therefore, I am deeply appreciative of your willingness to hold a legislative hearing. I am also optimistic that Members of Congress can bridge their differences between the two bills because absent enactment of legislation that gives more explicit direction to agencies, we will see no relief from the situation we face.

To that end, I want to provide constructive suggestions. Last year, a broad cross-section of local community leaders, such as the mayor of Fresno and growers from all over the Central Valley, came together to provide a unified set of concepts that we believed would be helpful for bridging the differences between last year's bills. I believe these concepts are still applicable to the bills before you today. Therefore, we ask that you:

- Provide congressional direction concerning the operation of the Central Valley Project and the State Water Project to ensure sufficient operational flexibility to restore water supply and water supply reliability. The operators of these projects must be able to capture water from the Delta during periods of higher flows and move water from north to south in a rational way.
- Extend the provisions of any legislation for a period of time that will allow communities to establish sound long term water supplies for their future;
- Establish a process that could lead to increased storage in a reasonable timeframe;
- Ensure that additional burdens are not placed on the State Water Project as a result of congressional action; and
- Recognize that the reasonableness and efficacy of the San Joaquin River Restoration Program must be reevaluated in light of changed conditions since its authorization, including the reality of federal budget constraints.

Both bills address most of these issues, but I believe the House proposal gives better direction to the agencies on how they should operate the projects and is a bill that, unlike the Senate bill,

offers permanent solutions. Nevertheless, we think the differences are surmountable with actual interest in finding a resolution. Again, thank you for the invitation to testify, and I am prepared to answer any questions you have.